

REMARKS

The Applicants have reviewed the Examiner's Office Action and acknowledge the Examiner's indication that claims 12-15 are allowed and that claims 6 and 7 contain allowable subject matter.

As a preliminary matter, the Applicants have amended claims 1 and 12 to correct typographical errors. In particular, the words "key plate" were replaced with the word "keyplate" to make the claims consistent, and the misspelling of the word "therebetween" was corrected in claim 12.

With respect to claims 1-5 and 8-11, the Examiner rejected these claims as anticipated by Ciavarella, U.S. Patent No. D480,639. The Applicants respectfully disagree because Ciavarella does not disclose all of the limitations of these claims. In particular, the Ciavarella patent relates to a security collar for a container closure and is of the type described in the background of the Applicants' invention. To that end, Ciavarella incorporates a keying structure best seen in Fig. 3 as a generally L-shaped member that is designed to fit within a recess formed in a keyplate to form a unique fit between the keyplate and the collar. The present invention, which includes flanges spaced axially to receive the entire keyplate therebetween (claim 1) is designed to bypass such a keying system. Since Ciavarella does not teach this limitation and, in fact, teaches away from spacing the flanges to bypass the keying system, the Applicants believe that claims 1-5 and 8-11 are patentably distinct from Ciavarella.

Moreover, the design patent to Ciavarella is not a proper 102(e) reference because it is not by another. Mr. Ciavarella is a co-inventor of both the cited design patent and the present application. To the extent any invention was disclosed in the design patent but not claimed until the filing of the present application, this work was derived from Mr. Ciavarella's ongoing research and development in this area. A section 132 Affidavit is attached.

The Examiner rejected claims 1-5 as anticipated by Niada or, in the alternative, Devlin. Niada, like Ciavarella, shows a collar having flanges but does not teach the spacing of the flanges to receive a keyplate therebetween and bypass the keying system within the dispenser as claimed.

Devlin does not appear to teach a collar as claimed. Structure 22 to which the Examiner refers is not attachable to the container and does not include a collar as claimed.

In particular, structure 22 is an adapter that allows the dispenser to be used with a bag-in-the-box type liquid container.

Notably, the adapter 22 is not adapted to be supported on a container, as claimed, and instead, is supported by the housing of the dispenser. Applicant cannot tell from Figure 2 which structures are referred to as being the flanges and consequently denies the existence of such flanges in Devlin. Moreover, since Devlin does not incorporate a keyplate, it does not appear to teach the limitation that the flanges be sufficiently spaced to receive the keyplate therebetween. Since neither Niada nor Devlin involve keying systems, neither of these inventors contemplated the problem of bypassing a keying system as in the Applicants' claimed invention. Consequently, the Applicants respectfully request reconsideration of the rejections of claims 1-5 based on Niada and Devlin.

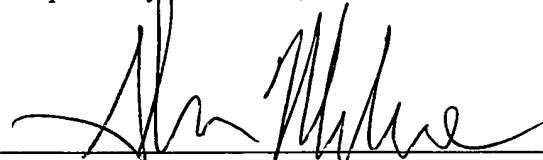
Applicants have submitted new claims 16 and 17 for the Examiner's consideration. Claim 16 relates to a universal collar key having a collar adapted to be supported on a container where the collar has a first flange and a second flange that are spaced from each other to receive the keyplate therebetween and at least one rearwardly projecting hold adapted to prevent rotation of the collar once it is inserted within the housing of a soap dispenser. Support for this claim may be found on page 7, line 24-30 through page 8, line 9 and Figures 7-12.

Claim 17 relates to a universal collar key having a collar adapted to be supported on a container, where the collar has a first flange and a second flange spaced axially from each other to receive a keyplate therebetween and a notch formed in the collar adapted to orient the collar relative to the container. Support for this claim may be found in the Specification on page 9, lines 20-30 and page 10, line 7 and in Figures 3-6.

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In light of the foregoing, the Applicants believe that claims 1-17 are in condition for allowance and request notice of the same. If any issues remain, the Applicants as the Examiner to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannon V. McCue', is written over a horizontal line.

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